

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
George Eliss
Respondent

Civil Citation No. 72425
7818 Gough Street

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; 13-7-309, 310, failure to maintain property free of animal feces on residential property zoned DR 10.5 known as 7818 Gough Street, 21224.

On January 6, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,000.00 (seven thousand dollars).

The following persons appeared for the Hearing and testified: Catherine Eliss, wife of the Respondent, and Robert Moorefield, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. This Hearing was rescheduled due to inclement weather, with written notice to Respondent.

B. Inspector Robert Moorefield testified that his inspection on January 6, 2010 found numerous piles of dog feces in the yard of Respondent's residence. Photographs in the file show a large number of piles of feces. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Inspector Moorefield further testified that re-inspection on March 16, 2010 found the yard cleaned up and the violation corrected. He noted that there is a rat infestation under the front porch.

D. Catherine Eliss, wife of Respondent, testified that the yard will be kept clean. Because compliance is the goal of code enforcement, and the violation was corrected prior to this Hearing, the civil penalty will be rescinded if re-inspection finds the violation corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection by April 12, 2010 finds the violation corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf